

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York ☒

LIBERTARIAN PARTY OF ERIE COUNTY,
MICHAEL KUZMA, RICHARD COOPER,
GINNY ROBER, PHILIP M. MAYOR,
MICHAEL REBMANN, EDWARD L. GARRETT

Plaintiff(s)

v.

ANDREW M. CUOMO, as Governor,
ERIC T. SCHEIDERMAN, as Attorney General
JOSEPH A. D'AMICO, as Superintendent

Defendant(s)

15
Civil Action No.

CV 654 -G

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

ANDREW M. CUOMO
The Capitol
Albany, New York 12224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JAMES OSTROWSKI
Attorney for Plaintiffs
63 Newport Ave.
Buffalo, New York 14216
(716) 435-8918

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

JUL 21 2015

Michael J. Bolmer
Signature of Clerk or Deputy Clerk

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Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Michael Pickett
 was received by me on (date) 11/11/15.

☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Denise Gagnon, who is
 designated by law to accept service of process on behalf of (name of organization) Andrew M. Cuomo
As Governor on (date) 11/12/15; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11/12/15


 Server's signature

Michael Pickett
 Printed name and title

299 Hamilton street, Albany NY 12209
 Server's address

Additional information regarding attempted service, etc:

James Ostrowski, Esq.
Corp/Business ServiceUNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NEW YORK

91054

AFFIDAVIT OF SERVICE

Index no : 15 CV 654-G

Filed Date: 07/21/2015

Office No:

Plaintiff(s): **LIBERTARIAN PARTY OF ERIE COUNTY, MICHAEL KUZMA, RICHARD COOPER, GINNY ROBER, PHILIP M. MAYOR, MICHAEL REBMANN, EDWARD L. GARRETT**

-VS-

Defendant(s): **ANDREW M. CUOMO, AS GOVERNOR, ET AL**

STATE OF NEW YORK COUNTY OF ALBANY

ss.:

Michael Pickett, the undersigned, being duly sworn, deposes and says: that the deponent is not a party to this action, is over 18 years of age and resides in the STATE OF NEW YORK.

On 11/12/2015 at 10:50 AM, deponent served the within SUMMONS IN A CIVIL ACTION AND COMPLAINT on ANDREW M. CUOMO, AS GOVERNOR at THE CAPITOL, ALBANY, NY 12224 in the manner indicated below:

By delivering a true copy of each to and leaving with DENISE GAGNON, DESIGNATED AGENT who stated he/she is duly authorized to accept legal documents.

A description of the Defendant, or other person served on behalf of the Defendant is as follows:

Sex	Color of skin/race	Color of hair	Age(Approx)	Height(Approx)	Weight(Approx)
Female	Caucasian	Brown	38-40	5Ft9In	150 lbs
Other Features:					

Sworn to and subscribed before me on 11/16/15

Notary Public

[] Daniel OLeary
Notary Public, State of NY
No. 01OL6293343
Qualified in Schenectady County
Commission Expires 12/9/2017

X Sherie A. Searles
Notary Public, State of NY
No. 01SE6179623
Qualified in Albany County
Commission expires 12/17/15

[] Kerry Gunner
Notary Public, State of NY
No. 01GU5038710
Qualified in Albany County
Commission expires 02/06/19

X
Michael Pickett
Lightning Legal Services, LLC
P. O. Box 9132
Albany, NY 12209
518.463.1049

James Ostrowski, Esq.
63 Newport Ave.
Buffalo, NY 14216

